

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

SEAN T. PETROFF,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	CASE NO.: 1:11-CR-11 (WLS)
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff in this Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. (Doc. 78.) In the Recommendation, Judge Langstaff recommends that the Court deny Petitioner Sean Petroff's motion because he entered a knowing and voluntary plea and raises only nonjurisdictional defects in his conviction. In an Objection, Petroff ignores the reasoning in Judge Langstaff's recommendation and instead reiterates his arguments about suffering constitutional violations before his guilty plea. But "[w]hen a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." *Tollett v. Henderson*, 411 U.S. 258, 267 (1973).

Therefore, upon full review and consideration of the record, the Court finds that Judge Langstaff's Recommendation should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the conclusions reached and reasons stated herein. The Motion to Vacate (Doc. 66) is **DENIED**. The Motion for Status (Doc. 80) is **DENIED** as moot.

Under Rule 11(a) of the Rules Governing Section 2254 and 2255 Cases, "[t]he district court must issue or deny a certificate of appealability when it enters a final order

adverse to the applicant.” Because jurists of reason would not find the resolution of the issues debatable, a certificate of appealability is **DENIED**.

SO ORDERED, this 10th day of July, 2014.

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT